

generally, the resin such as a polyolefin resin is solid at temperature less than 70°C, which is set forth at the upper end of the temperature range in claim 1. Therefore, it is clear that the lubricating member is a solid including liquid lubricant.

In light of the foregoing, this rejection is believed to be in error, and Applicant respectfully requests that it be withdrawn.

**Claim Rejections - 35 U.S.C. § 103**

The Examiner rejected claims 1-7 under §103(a) as being unpatentable over US Patent 6,119,813 to Yabe et al. (hereinafter Yabe) and Japanese JP-A-36875 (hereinafter JP '875), considered separately. Applicant respectfully traverses these rejections because the reference fail to teach or suggest all the elements as set forth in the claims.

Claim 1 sets forth a method of using a lubricating member for food-processing equipment, wherein a lubricating member is used at a temperature in the range of from the pour point of the lubricant to not higher than 70°C.

According to the present specification, “the lubricating member comprises as a base a resin that is said to be harmless to human beings and as a lubricant component a material that is harmless or less harmful to human beings. However, even such a lubricant member for food-processing equipment can have its base resin component eluted at raised operating temperatures. The resin component thus eluted can harm human beings.” (See page 1, line 24 - page 2, line 6). If the lubricating member is used at more than 70°C as conventionally, there is possibility of harm to human beings. The present invention is achieved for solving this problem..

Also, the present invention considers that the property of the lubricant member changes drastically over the temperature of 70°C as shown in Fig. 2.

The Examiner does not refer to the feature of using the lubricating member at a temperature not higher than 70°C as set forth in claim 1.

Both of the references cited by the Examiner disclose neither the above-noted problem nor the operating temperature limit. Although disclosure of the same problem is not necessary, the lack of recognition of that problem is evidence that one of ordinary skill in the art following the teachings of the references would not have come up with the same solution as has Applicant; i.e., because the references do not recognize the problem, they do not teach or suggest its

solution, as claimed. Therefore, the presently claimed invention is not obvious in view of either one of these references.

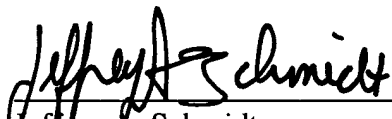
Neither one of these references teaches or suggests the operating temperature of the present invention. Therefore, the feature of claim 1 that limits the operating temperature not greater than 70°C is not taught or suggested by either one, as considered separately by the Examiner, nor in combination. Thus, the present invention is not obvious in view of either one, or both, of these references.

### Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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